

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
RESPONSE UNDER RULE 116
EXPEDITED HANDLING PROCEDURES

In re Patent Application of
ELMORE
Serial No. 08/981,087
Filed: May 27, 1998
Title: TYPE F BOTULINUM TOXIN AND USE THEREOF



Corres. and Mail

BOX A

Atty Dkt# 1498-133
C#/M#
Group Art Unit: 1647
Examiner: Turner, S.

Date: September 5, 2001

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SEP 10 2001

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
Previously paid for	20	(at least 20) =	0	x \$ 18.00

Independent claims after amendment	0	minus highest number		
Previously paid for	3	(at least 3) =	0	x \$ 80.00

If proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)

Petition is hereby made to extend the current due date so as to cover the filing date of this Paper and attachment(s) (\$110.00/1 month; \$390.00/2 months; \$890.00/3 months)

Terminal disclaimer enclosed, add \$ 110.00

<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$710.00)	\$	0.00
<input type="checkbox"/> Please enter the previously unentered , filed	\$	0.00
<input type="checkbox"/> Submission attached	\$	0.00

SUBTOTAL \$ **0.00**

If "small entity," then enter half (1/2) of subtotal and subtract	\$	0.00
<input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith	\$	0.00

Rule 56 Information Disclosure Statement Filing Fee (\$180.00)

Assignment Recording Fee (\$40.00)

Other:

TOTAL FEE ENCLOSED \$ **0.00**

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty.: B. J. Sadoff, Reg. No. 36,663

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE EURO CENTER 1000/2900

In re Patent Application of

ELMORE

Serial No. **08/981,087**

Filed: **May 27, 1998**

For: **TYPE F BOTULINUM TOXIN AND USE THEREOF**



Atty. Ref.: **1498-133**

Group: **1647**

Examiner: **Turner, S.**

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

September 5, 2001

21/J
M/QJ
9/11/01
(NE)

AMENDMENT UNDER RULE 116

Responsive to the Official Action dated June 5, 2001, entry and consideration of the following amendments and remarks are requested.

IN THE CLAIMS

Please do not enter
9/11/01

Amend the claims as follows.

Cancel claims 3, 4, 20, 22, 23, 24 and 27 without prejudice.

Amend the claims as follows:

5. (Four Times Amended) An isolated polypeptide comprising a sequence of amino acids selected from the group consisting of:

- (a) amino acids 848-1278 of a type F botulinum toxin (SEQ ID NO: 1)
- (b) amino acids 848-991 of a type F botulinum toxin (SEQ ID NO: 2)
- (c) amino acids 992-1135 of a type F botulinum toxin (SEQ ID NO: 3), and;